

APPEAL NO. 032474  
FILED NOVEMBER 5, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 16, 2003. The hearing officer resolved the disputed issue by deciding that respondent 2 (claimant) sustained disability from December 21, 2000, to January 2, 2002. On August 29, 2003, the hearing officer issued a Texas Workers' Compensation Commission Order for Attorney's Fees (order) to be paid pursuant to Section 408.222 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 152.1(Rule 152.1), in which the hearing officer approved \$1,185.00 of the \$2,156.50 in attorney fees requested by the appellant (attorney) who represented respondent (self-insured). The attorney appealed the order. No response was received from the claimant or the self-insured.

DECISION

Affirmed.

The hearing officer did not err in awarding attorney's fees in the amount of \$1,185.00. We review a hearing officer's award of attorney's fees under an abuse-of-discretion standard. Texas Workers' Compensation Commission Appeal No. 92481, decided October 21, 1992. In determining whether there has been an abuse of discretion, the Appeals Panel looks to see whether the hearing officer acted without reference to any guiding rules or principles. Texas Workers' Compensation Commission Appeal No. 951943, decided January 2, 1996, citing Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986). Section 408.222 and Rules 152.1 and 152.3 through 152.5 govern fees paid to a carrier's attorney. In view of the record and the applicable law, we cannot conclude that the hearing officer abused her discretion in limiting the award of attorney's fees to the amount of \$1,185.00.

The carrier argues that "the only reason given for the arbitrary reductions in attorney's fees was Ex Guideline/Unreasonable." However, the Attorney Fee Processing System indicates that the hearing officer did enter a log text explaining her decision to deny the fees in excess of the guidelines. The hearing officer noted that the CCH addressed only the single issue of disability and that it was neither reasonable nor necessary to exceed the Texas Workers Compensation Commission's guidelines to the extent requested.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **HEALTHSOUTH CORPORATION** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1021 MAIN STREET  
HOUSTON, TEXAS 77002.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge